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Authority: HR 10-2

☐ It contains nothing of CIA interest

Date 2-6-5-81 Reviewer 606199

Honorable Roger Jones, Chairman
United States Civil Service Commission

Dear Mr. Jones:

This refers to the Acting Chairman's letter of June 10, 1959, transmitting a copy of a proposed Departmental Circular concerning Executive Order No. 10825, excusing certain Federal employees from duty all day on July 3, 1959. You ask whether we would take exception to action reflected in any of the answers recited in the circular.

For the purpose of convenient reference we have numbered the questions and answers from 1 through 10.

Answers 1 through 3 appear to be proper.

Answers 4 and 5 suggest an effort to reconcile a conflict between Executive Order No. 10825 dated June 12, 1959, and section 4(b) of Executive Order No. 10335 of June 9, 1952. We believe that Executive Order No. 10825 supersedes section 4(b) of Executive Order No. 10335 for the days July 3 and 4, 1959, and therefore recommend that any reference to the earlier order and to rights otherwise flowing from it should be deleted from the circular. This result renders any reference to question 5 and the answer thereto in the circular as unnecessary.

We concur in the answers to questions 6, 7, and 8.

As we understand question 9 two answers might be required. One might be responsive to a question concerning employees under section 401(1) of Title IV of the Federal Employees Pay Act of 1950, as amended, and the other to employees under section 401(2). See 35 Comp. Gen. 719—particularly last sentence of second paragraph at page 711.

In answer to question 10 we suggest that the employee having been ordered to duty on July 3, 1959, is not excused from duty under Executive Order No. 10825 and, therefore, derives no rights from that order. It would seem that the leave regulations would, at least, require a charge to annual leave for July 3. Whether he is entitled to a compensatory day off later in the fiscal year 1960.

10-138 5M

We are enclosing a copy of our letter of today to the Director,
Central Intelligence Agency concerning questions arising under Executive
Order No. 11825.

Sincerely yours,
Joseph Campbell

Comptroller General
of the United States

Enclosure